

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James W.,

Case No. 0:20-cv-1441 (KMM)

Plaintiff,

ORDER

v.

Kilolo Kijakazi, *Acting Commissioner of
Social Security,*

Defendant.

This matter came before the Court on the parties' cross-motions for summary judgment. [ECF Nos. 19, 22]. The Court held a hearing on July 26, 2021, at which counsel for Plaintiff James W. and Defendant Commissioner Kilolo Kijakazi presented oral argument. [Minutes, ECF No. 36]. From the bench, the Court denied Mr. W.'s motion, granted the commissioner's motion, and fully stated its reasoning on the record.

Having thoroughly reviewed the record and considered the parties' written and oral arguments, the Court found that the Administrative Law Judge's (ALJ) decision was supported by substantial evidence in the record as a whole. *Clark v. Chater*, 75 F.3d 414, 416 (8th Cir. 1996). Because the Court must "defer heavily to the findings and conclusions of the Social Security Administration," the Court rejected Mr. W.'s argument that the ALJ improperly weighed the medical and other evidence. *Hurd v.*

Astrue, 621 F.3d 734, 738 (8th Cir. 2010). Specifically, the Court concluded that the ALJ's finding that Mr. W. has only moderate limitations in the relevant domains of mental functioning, and therefore did not meet one of the impairments listed in 20 C.F.R. Part 404, Subpart P, Appendix 1, was within the available "zone of choice" supported by the record. *Bradley v. Astrue*, 528 F.3d 1113, 1115 (8th Cir. 2008) ("We will not disturb the denial of benefits so long as the ALJ's decision falls within the available zone of choice." (quotation omitted)).

The Court reached these conclusions for the reasons stated on the record at the hearing. Accordingly, **IT IS HEREBY ORDERED that:**

1. Mr. W.'s Motion for Summary Judgment [ECF No. 19] is **DENIED**; and
2. The Commissioner's Motion for Summary Judgment [ECF No. 22] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 28, 2021

s/ Katherine Menendez

Katherine Menendez
United States Magistrate Judge